IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8458 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAHIBEN DHANABHAI SWEEPER

Versus

PALANPUR NAGAR PALIKA

Appearance:

MR TR MISHRA for Petitioners

MR SV RAJU for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 10/11/2000

ORAL JUDGEMENT

The petitioners who are sanitary workers want to become regular employees of the respondent Nagar Palika. According to them, they have been working as daily wagers since a number of years. The petitioners have relied

upon the decision of the Supreme Court in Daily rated casual labour employed under P & T Department Vs. Union of India, reported in 1987 (35) FLR 827 and other cases in support of their claim. The respondent Municipality has not filed any affidavit and has not brought on record whether there are any Recruitment Rules governing Class IV - sanitary workers. If the respondent Municipality is undertaking the process of giving regular appointments from amongst those who have been working as daily wagers, then it would be appropriate for the Municipality to consider the cases of the petitioners who are said to have put in work as daily wagers for a number of years. The learned Counsel for the petitioners states that the petitioners will make a fresh representation in this regard to the respondent Municipality within four weeks from today. The learned Counsel for the respondent Nagar Palika states that on such representation being received, the Nagar Palika shall sympathetically consider the same and take a decision in accordance with law expeditiously, preferably within four weeks after such representation is received. It is accordingly directed that on a representation being received from the petitioners and the like, the respondent Municipality shall consider the same and decide whether regular appointments could be given in accordance with law to such daily wagers. In view of this arrangement, the question of granting any relief at this stage does not survive. Rule is therefore discharged with no order as to costs. Interim relief stands vacated.

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*/Mohandas